

REMARKS

Claim rejections - 35 U.S.C. § 103

The Examiner has rejected the claims as being unpatentable in view of Bratby-Carey in view of Magharehi and Pieper. Bratby-Carey discloses a dual ended nail polish applicator. The nail polish applicator of Bratby-Carey has first and second receptacles. None of the receptacles have a rollerball applicator. Bratby-Carey discloses a brush for applying the nail polish. The nail polish brush enters the receptacle through a check valve. The check valve snap fits into the opening of the receptacle. The other receptacle has a sponge applicator assembly which includes a disc shaped sponge pad 24 and a spring loaded push valve 26 attached to the sponge pad for selectively dispensing the nail polish remover solvent.

The present invention does not employ a check valve or a sponge pad. There is also no suggestion of a rollerball applicator in Bratby-Carey. To substitute a rollerball applicator for the valves of the Bratby-Carey device would require one skilled in the art to destroy Bratby-Carey for its intended purpose. Magharehi discloses a receptacle with a variety of applicator means that are threadably connected to the applicator. However, there is no suggestion of a dual ended applicator having a roller ball and a doe foot applicator in the cited art. Pieper merely discloses a doe foot applicator. There is nothing in Pieper to suggest a dual ended cosmetic applicator having a rollerball applicator and a doe foot applicator as set forth in applicants claims.

CONCLUSION

For the foregoing reasons, applicants request reconsideration of the rejection.

09/842,371

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment to the Office Action was mailed by first class mail, postage prepaid, in an envelope addressed to the Hon. Commissioner for Patents and Trademarks, PO Box 1450; Alexandria, VA 22313-1450, this 24th day of April, 2008.

A handwritten signature in cursive script, appearing to read "Th. O'Rourke", written over a horizontal line.

Thomas A. O'Rourke